

FREDERICK COUNTY
DEVELOPMENT REVIEW OUTREACH MEETING
Session # 44
30 North Market Street, Training Room
July 24, 2009 - 9:00am

MEETING MINUTES

Prior Meeting Minutes: Minutes from the previous meeting and the current agenda were available to the group. These items will also be posted on the website (www.frederick.co.md) for this and subsequent meetings. NOTE: These minutes follow the agenda as distributed; open discussion items are included at the end of these minutes.

Staffing: Betsy Smith opened the meeting announcing that Ray Barnes was here and he would be speaking on the APFO - Schools

APFO: The group was briefed as follows:

SCHOOLS:

- Ray Barnes - DPDR will be providing Facilities management a list of projects that will need to be considered. These will include projects in area not yet under construction. FCPS will provide their findings to the FCPC for them to approve or not to approve.
- Only developments greater than 50 or more units/lots will be included
- CIP considerations are still included but regulations tightened
- A non-binding pre test may be considered as a new application type in the future
- FCPS will not be able to run unofficial test under the new ordinance that was passed on July 7, 2009 as was done in the past
- Zoning Planner will decide what subdivisions will be counted.

ROADS:

- Betsy Smith and Ron Burns spoke on the Roads APF ordinance
- Applications choosing an opt out clause would need to apply be in advance of a scoping meeting
- Considering background traffic
- The study of the application of the new APFO in the MD 85 corridor will be complete in the next few months.
- The Guidelines and Ordinance are available on the BOCC website.

Grading Permit Changes: Betsy Smith

- Betsy Smith spoke on the ordinance that passed and how it has clarified the process.
- Permit renewals are being processed at this time and hope to be concluded by September 2009
- A new form has been created to request a change in priority status of any permit

- Rhonda is the primary contact for grading questions in the office, Rick is moving more in the field to work with the inspectors.
- Updates are being made in Hansen to make the process more user friendly

Extension Ordinance: Betsy Smith

- Extension Ordinance passed July 25, 2009 – Ordinance No. 09-23-527
- Each Extension request will be charged a Fee of \$110.00
- Extensions are necessary for any project that have recorded lots but do not have footer in the ground including condos.

FRO Changes: Mike Wilkins

Changes made to the Forest Conservation Act- No Net Loss of Forest (effective October 1, 2009)

Lowers the exemption threshold for activity conducted on a single lot or linear project to 20,000 square feet of forest

Amends the intrafamily exemption applicability to owner or child and also lowers the threshold of the activity to 20,000 square feet of forest

Removes the exemption for “previously developed and covered by paved surface”

Separates the priority areas for retention and protection into 2 categories with different levels of protection.

Those that must be left undisturbed “unless the applicant has demonstrated that reasonable efforts have been made to protect them “include: 100 year floodplains, intermittent and perennial streams and their buffers, coastal bays and their buffers, steep slopes and critical habitats; and contiguous forest. Those that shall be left undisturbed and require a variance to disturb include: threatened and endangered species, historic trees and trees with 30” dbh or greater or 75% of diameter of state champion.

Natural Resources – Roadside Trees- Protection and Enforcement (effective October 1, 2009)

Enables a county or municipality to adopt a local law or ordinance for the planting, care, and protection of roadside trees that is more stringent than the State statute. The local law or ordinance would not apply to public utility right-of-way routine maintenance or clearing per a required certificate of public convenience and necessity.

States that the Maryland Forest Service may authorize a county or municipality to enforce the State law.

Prevents the issuing of a building permit by any county or municipality for any clearing, construction or development that will result in the trimming, cutting, removal or injury of a roadside tree until the applicant obtains a roadside tree permit.

Established penalties for failing to obtain a permit or trimming, cutting, removing or injuring a roadside tree in violation of the permit.

Text Amendments: Mark Depo

- Renumbering and Zoning Ordinance- no real changes, just reorganizing
- Catastrophic Event Reconstruction- 2 properties burnt down and were either non conforming or no site plan was done for the site(due to age of site)- this allows to rebuild without going to planning commission site plans will require administrative review
- Solar/Wind Energy- primarily for residential use and not for resale
- Ag/RC Zoning District- complete rewrite will be very lengthy
- Site Plan Process-created in the ordinance, Site Plan – no longer a six(6) month extension, Site Plan is now a 3 yr approval
- Landscaping, Lighting, Parking- goes before the BoCC for approval in August 2009, Planning Dept ask the planning commission look at Leeds criteria for parking, based on the way it was to be efficiently used, as opposed to the size of the parking
- MXD/PUD Zoning Districts- Replace “planned developments” in ordinance with a Euclidean zoning that only requires a 1 step process.
- Special events – possible text amendment in the future
- Comprehensive Plan Changes- if you have comments get them in quickly
- Consider a “table” ordinance date theory status

Stormwater Management MD 2007: Betsy Smith, Kathy Hall - The link to the MDE website that contains the revised regulations is:

<http://www.mde.state.md.us/Programs/WaterPrograms/SedimentandStormwater/swm2007.asp>

Betsy stated that the new regulations were adopted on May 4, 2009. She said that there is a grandfathering provision although it will probably be very tight. County governments are to have draft ordinance to the State by November 11, 2009. Frederick County will have to adopt a new Ordinance by May 4, 2010. Betsy stated the 2 big issues she sees are

1. Grandfathering
2. Changes in process

Open Discussion:

- Mark Fris –asked if there was a way to look for an early reading for School Test so that the Client does not spend time/money for a full submission only to be denied.
- Bill Brennan- MDE guidelines, Washington County has real issues with and has been in contact with the State.
- It was asked if special consideration is being given to Karst Topography, Betsy Smith stated this has not been determined yet.

Adjourned 10:30 am

NEXT MEETING: Friday, October 23, 2009.